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State Environment Department Seeks Public Comment on Open Burning Regulation

(Santa Fe, NM) -- The New Mexico Environment Department (NMED) is seeking public comment on possible changes to the state's open burning regulation.

The current regulation (20.2.60 NMAC - Open Burning) is intended to control air pollution from outdoor burning. This includes burning of household waste in backyard burn barrels and burning of yard waste. The regulation specifies which types of burning are unrestricted, which types are allowed without a permit but subject to conditions in the rule, and which require a permit from NMED. The regulation applies statewide, except for tribal lands and in Bernalillo County.

NMED has issued a discussion paper outlining some of the issues with open burning and some options for changes to the regulation, as identified by NMED's internal analysis. The discussion paper does not include possible changes in the requirements for agricultural burning and prescribed burning for forest and rangeland management, but these may be considered in the future. All other types of open burning are under consideration. Most of the major issues concern burning of trash, weeds, and yard waste by individual householders, and the roles of state and local governments in regulating this activity.

Major issues include: 1) open burning generates more public complaints than any other regulated air pollution source; 2) clarification of the roles of NMED and fire safety officials to ensure that permitted burning does not cause wildfires; 3) the high costs to both NMED and taxpayers associated with the administration of these rules; and 4) reassessing the applicability of the burdens imposed on citizens by the regulations.

The open burning paper and an invitation for public comment are posted on the Department's
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website at www.nmenv.state.nm.us/aqb under "Open Burning Issues and Possible Rule Changes." To foster open discussion, NMED will post summaries of comments as they are received. Copies of the paper may also be obtained from Brad Musick, Environmental Analyst, Air Quality Bureau, New Mexico Environment Department, 2044 Galisteo St., Santa Fe, New Mexico, 87505, or by calling (800) 224-7009. Requests may also be sent by E-mail to brad_musick@nmenv.state.nm.us.

In April, following this informal comment period, the Department will formulate a draft proposal for regulation changes to be presented to the Environmental Improvement Board this summer.

For additional information, contact Brad Musick, Environmental Analyst, NMED at (505) 955-8019, or Jon Goldstein, Communications Director, NMED, at (505) 827-0314.

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